



MINUTES DUVALL HEARING EXAMINER

**Rose Room - Duvall Library, 15619 Main Street N.E., Duvall
Tuesday, November 21, 2006 at 6:30 PM**

- 1. Call to Order**
John Galt, Hearing Examiner, called the meeting to order at 6:30 pm.
- 2. Roll Call**
Staff members Steve Leniszewski, City Engineer, Lara Thomas, Associate Planner, and Todd Hall, Assistant Planner, were present.
- 3. Announcements**
John Galt explained the procedures and rules for conducting a Hearing Examiner Meeting and noted that anyone who wishes to testify must sign in on the party of record sheet.
- 4. Public Hearing**

Hanover Investments (Batten Rd. Property) Preliminary Long Plat

Location: Batten Rd. NE and NE 143rd St. alignment (if extended)

File No: SU06-002

Project Planner: Todd Hall, Assistant Planner

John Galt explained he had examined the site, the staff report and exhibits 1-23 for the Preliminary Site Plan Review. John noted that two revised exhibits were given to him by staff and entered into the record as Revised Exhibit 1 and Revised Exhibit 2 and exhibits 3-23. Exhibit 24, Buffer Mitigation Plan, was entered into the record. Exhibit 25, Planning staff discussion regarding wetlands, was entered into the record.

Darrell Mitsunaga, Johns Monroe Mitsunaga PLLC, represented the applicant (Hanover Investments), and presented the Hanover Investments (Batten Rd. Property) project to the Hearing Examiner. He noted concerns from two adjacent property owners, Peter McKiernan (14301 283rd Pl NE) and Kip Brandon (14310 283rd Pl NE), regarding potential drainage of an adjacent wetland. Residents witnessed some digging occurring in an area the residents thought may be a wetland. The applicant testified there is no wetland in this area, as well as documentation provided by the City's wetland consultant,

Hugh Mortensen (The Watershed Company). A culvert underneath an access road to the site was blocked and the applicant received permission by the City to remove the blockage. He referred to Exhibits 21 and 25 for documentation regarding this issue.

Another comment raised by the McKiernan's and Brandon's was regarding the landscaping buffer. Mr. Mitsunaga asked for a 5 minute recess to meet with the McKiernan's to discuss an agreement with them. Mr. Galt called a 5 minute recess.

Mr. Galt reopened the hearing after the 5 minute recess. He then requested that Steve Leniszewski present his testimony. He noted that Mr. Kip Brandon had concerns regarding the potential off-site sidewalk improvements adjacent to his property along Batten Rd. NE that would potentially require removal of his landscaping. He asked what would the City do to prevent loss of his landscaping. Mr. Leniszewski stated that there is adequate right-of-way to install the necessary improvements and the City will work with Mr. Brandon on mitigating any impacts the sidewalk improvements may cause.

Mr. Leniszewski stated that the removal of the sidewalk on the south side of the temporary cul-de-sac of Road A was not agreed upon by the City. A condition will be added to require a sidewalk on the south side of Road A cul-de-sac.

Mr. Mitsunaga stated that landscape tracts would be dedicated via quit claim deed to Mr. McKiernan and Mr. Brandon. Exhibit 26 was entered into the record, 18 photographs along the northern property line.

Exhibit 27 was entered into the record, a map which shows the direction of where the photographs from Exhibit 26 were taken.

Exhibit 28 was entered into the record, a map showing revised landscape tracts area adjacent to the northern property line.

The City requested the applicant to recalculate the density calculations based on the revised landscaping tracts in Exhibit 28. Mr. Todd Hall stated that the applicant shall make certain that all setbacks will be revised as necessary.

Public Comment:

Peter McKiernan, 14301 283rd Pl N.E., gave compliments to City staff regarding his concerns and for their prompt attention. In regards to his adverse possession claim, he requested that the applicant be required to install a fence at time of construction for his family's safety. He mentioned his concerns regarding significant trees on the site adjacent to his property. He also noted the document provided by City staff that noted a Wetland B.

No further testimony from the public was provided.

Mr. Galt asked staff questions regarding setbacks for lots adjacent to the northern property line. Mr. Galt and staff reviewed definitions of setbacks.

Ms. Lara Thomas stated that the City does not require applicant's to construct any other fences other than orange construction fences. She also confirmed that Wetland B was not a regulated wetland feature. Mr. Galt asked the applicant to provide documentation from the applicant's wetland consultant that Wetland B is not a regulated feature.

Mr. Hall clarified a condition of approval regarding the placement of fences around landscaping tract or easements.

Mr. Galt allowed the record to be open in order for the applicant to recalculate the lot density. The applicant was given 2 weeks and the City 3 days to review. The wetland report documentation by the consultant will given 2 weeks for submittal.

8. Adjournment

John Galt, Hearing Examiner, adjourned the Hanover Investments (Batten Rd. Property) (SU06-002) hearing, with the record left open as stated above, at 7:58 p.m.

9. Public Hearing

Allen Street Professional Center Site Plan Review

Location: 26425 NE Allen St.

File No: SPR06-001

Project Planner: Todd Hall, Assistant Planner

John Galt explained he had examined the site, the staff report and exhibits 1-17 for the Preliminary Site Plan Review.

Mr. Carl Pirscher (CDA Architects), represented the applicant, Jim Rounds, and presented the Allen Street Professional Center project. Mr. Pirscher provided documentation that permitted the applicant to use pervious pavement materials per City Engineer's signed approval, submitted at the hearing.

Mr. Galt asked for clarification from the applicant regarding the first floor area calculations provided on the site plans.

Mr. Galt asked to a specific notation in the staff report as to which site plan number is being approved at the hearing. SD-14 is the site plan to be approved.

Todd Hall, Assistant Planner, noted that Planning Commissioner Elizabeth Walker recommended landscaping modifications at the Design Review meeting.

10. Adjournment

John Galt, Hearing Examiner, closed and adjourned the Allen Street Professional Center (Batten Rd. Property) (SU06-002) hearing at 8:45 p.m.